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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER				
MARTINEZ, JOSEPH P				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/599,865	<b>Applicant(s)</b> KUIPER ET AL.	
	<b>Examiner</b> Joseph Martinez	<b>Art Unit</b> 2873	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9-19-07</u> .   | 6) <input type="checkbox"/> Other: ____.                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "the surface" in line 2. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required. For purposes of examination, the examiner interprets line 2 of claim 3 to read, "a surface".

Claim 10 recites the limitation "said terminal" in line 2. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required. For purposes of examination, the examiner interprets line 2 of claim 10 to read, "a terminal".

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 10 and 11 rejected under 35 U.S.C. 102(b) as being fully anticipated by Berge et al. (6369954).

Re claim 1, Berge et al. teaches for example in fig. 1 and 3, an optical device comprising: a container (12) enclosing an insulating liquid (11) and a liquid responsive to an electric field (13), the insulating liquid and the liquid responsive to an electric field being immiscible (abstract) and being in contact with each other via an interface (fig. 1), at least one of the liquids being at least partially placed in a light path (optical axis, 0) through the container (fig. 1); means (16, 17) for controlling an orientation of the interface (from A to B); and means (12) for preventing the interface from an exposure to an external electric field (dielectric chamber; col. 3, ln. 27).

Re claim 8, Berge et al. teaches for example in fig. 1 and 3, an electronic device including an optical device comprising: a container (12) enclosing an insulating liquid (11) and a liquid responsive to an electric field (13), the insulating liquid and the liquid responsive to an electric field being immiscible (abstract) and being in contact with each other via an interface (fig. 1), at least one of the liquids being at least partially placed in a light path (optical axis, 0) through the container (fig. 1); means (16, 17) for controlling an orientation of the interface (from A to B); and means (12) for preventing the interface from an exposure to an external electric field (dielectric chamber; col. 3, ln. 27); driver circuitry (means to control 16 and 17) coupled to the means (16, 17) for controlling an orientation of the interface (from A to B); and a power supply (V) for powering the driver circuitry (fig. 1).

Re claim 2, Berge et al. further teaches for example in fig. 1 and 3, the means for controlling an orientation of the interface comprise an electrode arrangement (16, 17) for controlling the shape of the interface (from A to B) by means of a voltage (V).

Re claim 3, Berge et al. further teaches for example in fig. 1 and 3, the surface is a part of a transparent end portion (12 at 15) of the container (12); the means for preventing the interface from an exposure to an external electric field comprise a conductive layer (16), the conductive layer forming a part of the transparent end portion (fig. 1).

Re claim 4, Berge et al. further teaches for example in fig. 1 and 3, the means (16, 17) for controlling the orientation of the interface (from A to B) comprise an electrode (17) in contact with the liquid responsive to an electric field (13), the conductive layer (16) being conductively coupled to said electrode (fig. 1).

Re claim 10, Berge et al. further teaches for example in fig. 1 and 3, said terminal is the ground (col. 4, ln. 44-46).

Re claim 11, Berge et al. further teaches for example in fig. 1 and 3, the means (12) for preventing the interface from an exposure to an external electric field form a part of an arrangement for shielding an electronic circuit (means to control 16 and 17) of the electronic device from external radiation (col. 7, ln. 15; wherein the examiner

interprets control portions of an endoscope to be shielded from external radiation via housings).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berge et al. (6369954) in view of Ehrlich et al. (5373102).

Re claim 5, supra claim 1. Furthermore, Berge et al. further teaches for example, means (12) for preventing the interface from an exposure to an external field (dielectric chamber; col. 3, ln. 27).

But, Berge et al. fails to explicitly teach a Faraday cage surrounding the container. However, Berge et al. teaches the optical device for use in various optoelectronic environments (col. 7, ln. 14-15).

However, within the same field of endeavor, Ehrlich et al. teaches for example in fig. 1, a Faraday cage (10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Berge et al. with the teachings

of Ehrlich et al. in order to provide a means for shielding an optically sensitive detector, device, or components from electromagnetic fields without shielding them from the optical spectra desired to be transmitted, as taught by Ehrlich et al.

Re claim 6, Ehrlich et al. further teaches for example in fig. 1, the Faraday cage (10) comprises a conductive coating (abstract) at least partially covering a further container (12).

Re claim 7, Ehrlich et al. further teaches for example in fig. 1, the further container (12) is at least partially transparent (abstract).

Re claim 9, Berge et al. further teaches for example in fig. 1 and 3, the means (12) for preventing the interface from an exposure to an external electric field are coupled (via 16) to a terminal of the power supply (V).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph P. Martinez whose telephone number is 571-272-2335. The examiner can normally be reached on M-F 7:00 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Joseph Martinez/  
Patent Examiner, AU 2873  
1-6-07